

DRAFT

**VIRGINIA BOARD OF COUNSELING
FORMAL HEARING
MINUTES**

- CALL TO ORDER:** A panel of the Board of Counseling (“Board”) convened on Friday, November 13, 2009, at 9:40 a.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Richmond, VA., Board Room 2.
- MEMBERS PRESENT:** Donnie Conner, Ph.D., Chair
Johnston Brendel, Ed.D.
Sandra Malawer
Charles McAdams, Ed.D.
Patricia Mullen
Vivian Sanchez-Jones
William Scott, Ph.D.
Linda Seeman, Ph.D.
John Penn Turner
- BOARD COUNSEL:** Howard M. Casway, Sr. Assistant Attorney General
- STAFF PRESENT:** Evelyn B. Brown, Executive Director, Board of Counseling
Patricia L. Larimer, Deputy Executive Director, Board of Counseling
Diana L. Pollick, Operations & Compliance Manager
- COURT REPORTER:** Lynn Aligood, Capital Reporting
- PARTIES ON BEHALF OF THE COMMONWEALTH:** James Schleissman, Assistant Attorney General
Peter Opper, Adjudication Specialist
- WITNESSES:** Charles F. Gressard, Ph.D. (*on behalf of the Commonwealth*)
Robert Fox Vernon, Chair, Cappel University Clinical Counseling Program (*on behalf of [Respondent]*)
- MATTER SCHEDULED:** Benjamin Thomson, LPC Applicant
Case No.: 125283
- DISCUSSION:** Benjamin Thomas appeared before the Board in person in accordance with a Notice and Statement of Particulars dated October 14, 2009. Mr. Thomson was not represented by Counsel.

The Board received evidence and sworn testimony from Benjamin Thomas and witnesses called to testify.

CLOSED SESSION:

Upon a motion by Sandra Malawer and duly seconded by John Penn Turner, the Board voted to convene a closed meeting pursuant to § 2.2-3711(A)(7) of the Code of Virginia to consult with legal counsel in the matter of Benjamin Thomson. Additionally, she moved that Evelyn Brown, Patricia Larimer, Howard Casway, Diana Pollick and Deborah Harris attend the closed meeting, because their presence in the closed meeting was deemed necessary and would aid the Board in the matter.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of § 2.2-3712 of the Code, the Board reconvened in open session and announced its decision.

DECISION:

Upon a motion by John Penn Turner, and duly seconded by Johnston Brendel, the Board made certain Findings of Fact and Conclusions of Law. Further, upon a motion by John Penn Turner, and duly seconded by Sandra Malawer, the Board voted to deny Benjamin Thomson's application to proceed with the licensure process to become a professional counselor.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 1:15 p.m.

As provided by law, this decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions and decision of this formal hearing panel.

Donnie Conner, Ph.D., Chair

Evelyn B. Brown, Executive Director

Date

Date